

error on the face of the record. See id.


The court has reviewed de novo the portions of the M&R to which plaintiff objected. The scope of judicial review of a final decision concerning disability benefits under the Social Security Act, 42 U.S.C. §§ 301 et seq., is limited to determining whether substantial evidence supports the Commissioner's factual findings and whether the Commissioner applied the correct legal standards. See, e.g., 42 U.S.C. § 405(g); Dowling v. Comm'r of Soc. Sec. Admin., 986 F.3d 377, 382–83 (4th Cir. 2021); Shinaberry v. Saul, 952 F.3d 113, 120 (4th Cir. 2020); Woods v. Berryhill, 888 F.3d 686, 692–93 (4th Cir. 2018) superseded on other grounds as recognized in Rogers v. Kijakazi, 62 F.4th 872, 878–80 (4th Cir. 2023); Walls v. Barnhart, 296 F.3d 287, 290 (4th Cir. 2002); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). Substantial evidence is evidence “a reasonable mind might accept as adequate to support a conclusion.” Richardson v. Perales, 402 U.S. 389, 401 (1971) (quotation omitted); see Biestek v. Berryhill, 139 S. Ct. 1148, 1154 (2019); Dowling, 986 F.3d at 383. It “consists of more than a mere scintilla of evidence but may be less than a preponderance.” Smith v. Chater, 99 F.3d 635, 638 (4th Cir. 1996); see Biestek, 139 S. Ct. at 1154; Dowling, 986 F.3d at 383; Shinaberry, 952 F.3d at 120. This court may not reweigh the evidence or substitute its judgment for that of the Commissioner. See, e.g., Dowling, 986 F.3d at 383; Shinaberry, 952 F.3d at 123; Hays, 907 F.2d at 1456. Rather, in determining whether substantial evidence supports the Commissioner's decision, the court examines whether the Commissioner analyzed the relevant evidence and sufficiently explained her findings and rationale concerning the evidence. See, e.g., Shinaberry, 952 F.3d at 120; Sterling Smokeless Coal Co. v. Akers, 131 F.3d 438, 439–40 (4th Cir. 1997).

Plaintiff's objections restate the arguments made to Judge Swank concerning whether the Administrative Law Judge (“ALJ”) properly evaluated plaintiff's evidence concerning whether his

impairments were severe enough to meet or medically equal one of the listed impairments in 12.03 or 12.04 of 20 C.F.R. Part 404, Subpart P, App. 1. Compare [D.E. 40] 1–2, with [D.E. 47] 1–2, and [D.E. 49] 1–2. Judge Swank and the ALJ, however, applied the proper legal standards. See M&R [D.E. 46] 1–11. Moreover, substantial evidence supports the ALJ’s analysis. See id. Thus, the court overrules the objections.

In sum, the court OVERRULES plaintiff’s objections to the M&R [D.E. 47, 49], ADOPTS the conclusions in the M&R [D.E. 46], DENIES plaintiff’s motion for judgment on the pleadings [D.E. 38], DENIES plaintiff relief [D.E. 39, 40, 42, 43], AFFIRMS defendant’s final decision, and DISMISSES this action. The clerk shall close the case.

SO ORDERED. This 28 day of February, 2024.


JAMES C. DEVER III
United States District Judge